

REMARKS

Reconsideration of this newly filed application is respectfully requested. The Claims have been amended to overcome the rejections under 35 U.S.C. § 112 as set forth in paragraph 3 of the Office Action of October 28, 2003. Newly submitted Claims also obviate the rejection under 35 U.S.C. § 112 set forth in paragraph 4 of the noted Office Action in that Claim 18 has been amended to clarify the phrase "formed on lock side" and additional language have been added to Claims which are directed to a shutter.

The Examiner also rejected Claims 2, 16 and 18 under 35 U.S.C. §102 (b) as being anticipated by **Kikuchi** et al. The independent Claims have been amended to include the recitation that the shutter includes a stamped rough surface part which is configured to constitute a given pattern and such structure is not taught or suggested by the reference to **Kikuchi** et al.

The Examiner also rejected Claims 2, 4-7, 16-19 under 35 U.S.C. § 103 (a) as being unpatentable over **Takeda** et al. in view of **Kikuchi** et al. **Takeda** et al. discloses a shutter for a cartridge composed of nonmagnetic, erosion-resistant steel. Independent Claims 16 and 18 recite that the shutter is made of a **non-ferro** magnetic material, i.e. aluminum. **Takeda** et al. fails to teach or disclose such a limitation. The Examiner sites **Kikuchi** et al., the Japanese publication 10-162541 and states that **Kikuchi** et al. teaches an aluminum metal shutter with a sub-straight-<sup>(sic)</sup> thickness between .15 -.5 mm. It is not seen where the abstract of this Japanese publication makes such a disclosure.

CONCLUSION

Accordingly in view of the newly amended claims and arguments made above reconsideration and allowance of this application are respectfully requested. The previous indication of allowability of Claims 8-10 is noted with appreciation.

Enclosed is a RCE transmittal and our check in the amount of \$770.00, the requisite fee.

Please charge any additional fees that may be needed by this amendment, and credit any overpayment, to our Deposit Account No. 50-0320.

Respectfully submitted,

FROMMER LAWRENCE & HAUG LLP  
Attorneys for Applicant

By Leonard J. Santisi  
Leonard J. Santisi  
Reg. No. 24,135  
(858) 731-5000